

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re:	Dr. Jorg Bewersdorf et al.	Confirmation No:	4035
Serial No:	10/541,700	Group:	2877
Filed:	July 7, 2005	Examiner:	Not Yet Assigned
For:	Confocal 4-PI Microscope and Method for Confocal 4-PI Microscopy		
Customer No.:	29127		
Attorney Docket No.	21295.0109US1 (E0673US)		

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted:

- ☐ under 37 CFR 1.129(a), or
(First/Second submission after Final Rejection)
- ☒ under 37 CFR 1.97(b), or
(Within any one of the following time periods: three months of filing national application (other than a CPA) or date of entry of the national stage in an international application; or before the mailing date of a first office action on the merits in a non-provisional application, including a CPA, or a Request for Continued Examination).
- ☐ under 37 CFR 1.97(c) together with either:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, or
- ☐ a \$180.00 fee under 37 CFR 1.17(p), or
(After the 37 CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- ☐ under 37 CFR 1.97(d) together with:
- ☐ a Statement under 37 CFR 1.97(e), as checked below, and
- ☐ a \$180.00 fee under 37 CFR 1.17(p), or
(Filed after final action or notice of allowance, whichever occurs first, but on or before payment of the issue fee)
- ☐ under 37 CFR 1.97(i):
Applicant requests that the IDS and cited reference(s) be placed in the application filewrapper.
(Filed after payment of issue fee)

Statement Under 37 CFR 1.97(e)

- ☐ Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement; or
- ☐ No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 CFR 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

Statement Under 37 CFR 1.704(d) (Patent Term Adjustment)

Applies to original applications (other than design) filed on or after May 29, 2000

- ☐ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

☒ Enclosed herewith is form PTO-1449:

☒ Copies of the cited references are enclosed except US patent references.

☐ References cited were entered in prior application, U.S. Application No. _____, to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]

☐ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.

☒ The "concise explanation" requirement (non-English references) for reference(s) [] under 37 CFR 1.98(a)(3) is satisfied by:

☐ the explanation provided on the attached sheet.

☐ the explanation provided in the Specification.

☒ submission of the enclosed International Search Report.

☐ submission of the enclosed English-language version of a foreign Search Report and/or foreign Office Action.

☒ the enclosed English language abstract.

☐ Applicant requests that the following non-published pending applications be considered:

____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []

____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []

____ U.S. Patent Application No. [], by [inventor(s)], filed [], Docket No.: []

Examiner

Date

- ☐ A copy of each above-cited application, including the current claims, is enclosed.
- ☐ A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application, U.S. Application No. [], to which priority under 35 U.S.C. 120 is claimed.

The Examiner is requested to return a copy of the above list of pending applications indicating which references were considered with the next office communication.

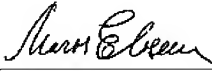
It is requested that the information disclosed herein be made of record in this application.

Method of payment:

- ☐ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.
- ☐ Please charge Deposit Account 502 233 in the amount of \$[]. A copy of this Statement is enclosed.
- ☐ Please charge any deficiency in fees and credit any overpayment to Deposit Account 502 233.
- ☒ No fee is required.

Respectfully submitted,

Houston Eliseeva LLP

By 

Maria Eliseeva
Registration No. 43,328
4 Militia Drive, Ste. 4
Lexington, MA 02421
Telephone: 781-863-9991
Facsimile: 781-863-9931

Dated: June 16, 2006

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Complete if Known

(Use as many sheets as necessary)

Sheet	1	of	2
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Application Number	10/541,700
Filing Date	July 7, 2005
First Named Inventor	Dr. Jorg Bewersdorf
Art Unit	2877
Examiner Name	Not Yet Assigned
Attorney Docket Number	21295.0109US1(E0673US

U. S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ³
		Country Code ² Number ⁴ Kind Code ⁵ (if known)	MM-DD-YYYY			
		EP0807814	11-19-1997	Cornell Research		✓
		DE4331570	03-02-1995	Stefan Hell		✓

**Examiner
Signature**

Date
Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Code of USPTO Patent Documents at www.uspto.gov or MPEP 801.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet **2** of **2****Complete if Known**

Application Number	10/541,700
Filing Date	July 7, 2005
First Named Inventor	Dr. Jorg Bewersdorf
Art Unit	2877
Examiner Name	Not Yet Assigned
Attorney Docket Number	21295.0109US1(E0673US)

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		HELL, S. ET AL. Properties of a 4PI Confocal Fluorescence Microscope. Journal of the Optical Society of America, 1 December 1992, pp. 2159-2166, vol. 9, no. 12, Optical Society of America, USA.	

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

INTERNATIONAL SEARCH REPORT

International Application No
PCT/EP2004/000029

A. CLASSIFICATION OF SUBJECT MATTER
IPC 7 G02B21/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
IPC 7 G02B

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	DE 101 07 095 A (LEICA MICROSYS HEIDELBERG GMBH) 29 August 2002 (2002-08-29) paragraphs '0002!-'0004! paragraphs '0012!-'0016! paragraph '0030!	1-3, 6-16, 19-23
Y	---	4,5,17, 18
	--- --/--	

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents :

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *Z* document member of the same patent family

Date of the actual completion of the international search

17 May 2004

Date of mailing of the international search report

26/05/2004

Name and mailing address of the ISA
European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Luck, W

INTERNATIONAL SEARCH REPORT

International Application No.
PCT/EP2004/000029

G.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	HELL S ET AL: "PROPERTIES OF A 4PI CONFOCAL FLUORESCENCE MICROSCOPE" JOURNAL OF THE OPTICAL SOCIETY OF AMERICA - A, OPTICAL SOCIETY OF AMERICA, WASHINGTON, US, vol. 9, no. 12, 1 December 1992 (1992-12-01), pages 2159-2166, XP000328467 ISSN: 1084-7529 Zusammenfassung Seite 2160, rechte Spalte, zweiter Absatz ----	1
Y	EP 0 807 814 A (CORNELL RES FOUNDATION INC) 19 November 1997 (1997-11-19) Zusammenfassung page 2, line 56 -page 3, line 17 ----	4,17
Y	US 2002/027709 A1 (ENGELHARDT JOHANN ET AL) 7 March 2002 (2002-03-07) paragraph '0006! ----	5,18
A	DE 43 31 570 A (HELL STEFAN) 2 March 1995 (1995-03-02) Zusammenfassung column 2, line 33 -column 3, line 3 -----	6

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No
PCT/EP2004/000029

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
DE 10107095	A	29-08-2002	DE 10107095 A1	29-08-2002
			GB 2372897 A ,B	04-09-2002
			JP 2002303798 A	18-10-2002
			US 2002109913 A1	15-08-2002
EP 0807814	A	19-11-1997	US 5034613 A	23-07-1991
			EP 0807814 A1	19-11-1997
			AT 170636 T	15-09-1998
			AT 253727 T	15-11-2003
			DE 69032621 D1	08-10-1998
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			EP 0500717 A1	02-09-1992
			ES 2123501 T3	16-01-1999
			HK 1010411 A1	07-04-2000
			JP 2848952 B2	20-01-1999
			JP 5503149 T	27-05-1993
			WO 9107651 A1	30-05-1991
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